

## **AGENDA**

**SPECIAL MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
(502) 875-8500**

**NOVEMBER 6, 2003  
5:00 P.M. (EST)**

**1. INVOCATION  
ROLL CALL  
MINUTES**

October 20, 2003 Regular Meeting, October 22, 2003 Special Meeting,  
October 24, 2003 Special Meeting, November 3, 2003 Work Session

**MAYOR'S REPORT**

**2. CEREMONIAL ITEMS**  
None.

**3. ORDINANCES**

- 3.1 An Ordinance Amending Frankfort Municipal Code Chapter 15.24, Ordinance No. 14, 1999 Series, Ordinance No. 24, 2001 Series, and Ordinance No. 19, 2003 Series, Property Maintenance Code. (Second reading)

Purpose: The purpose of this ordinance amendment is to remove and clarify any potential conflicting interpretations relating to the word "constitute" by replacing it with "contain".

Background: On 9/15/03, the Board of Commissioners adopted an ordinance amending the Property Maintenance Code. Staff reviewed this ordinance with the Code Enforcement Board on 9/23/03. During this meeting, it was discussed that the word "constitute" could be interpreted contrary to the intent. Therefore, staff informed the Board that corrective ordinance to resolve this issue would be requested.

This ordinance had its first reading on 10/20/03.

Recommendation: Approval.

Attachments: Ordinance.

**Contact Person**

Name: Gary Muller  
Title: Director  
Department: Planning and Building Codes  
Phone: (502) 875-8513  
E-mail: Gmuller@fewpb.com

- 3.2 An Ordinance Establishing a Lateral Maintenance Fee for Sewer Services. (Sewer Department)  
(First reading)

Purpose: The purpose of this item is to consider an ordinance creating a monthly fee for all sewer customers to cover the cost associated with City of Frankfort accepting responsibility for repair and replacement of laterals in right-of-way and public easements.

Background: On 4/21/03, the Board of Commissioners created a Special Task Force to evaluate the current lateral policy of the Sewer Department and make a recommendation on any changes that might be appropriate. The Task Force has been meeting and a recommendation was made to the Board on 10/6/03 for the City to accept responsibility for ownership of sewer laterals within right-of-way and public easements. Maintenance of flow due to blockages will remain the responsibility of the property owner.

Common laterals will become the responsibility of the City at the point of discharge from more than one building. Acceptance of responsibility of common laterals would be contingent upon property owners providing easements to the City of Frankfort at no cost to the City. Lateral policy implementation date will be 7/1/04.

Financial Analysis: If adopted, this ordinance will generate approximately \$600,000 in annual revenue to be utilized for lateral repair and replacement.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 3.3 An Ordinance Authorizing the Issuance of Adjustable Rate Industrial Building Revenue Bonds, Series 2003 (Kentucky Domestic Violence Association, Inc. Project) of the City of Frankfort, Kentucky, in a Principal Amount Not to Exceed \$600,000, the Proceeds of which shall be Loaned to Kentucky Domestic Violence Association, Inc. to Finance the Acquisition, Construction, Installation and Equipping of an Industrial Building to be Located within the City of Frankfort, Kentucky for Use as Health Care and Related Facilities by the Kentucky Domestic Violence Association, Inc.; Providing for the Pledge of Revenues for the Payment of Such Bonds; Authorizing a Loan Agreement Appropriate for the Protection and Disposition of Such Revenues and to further Secure such Bonds; Authorizing a Bond Purchase Agreement, Tax Regulatory Agreement, Mortgage and Assignments; and Authorizing Other Actions in Connection with the Issuance of Such Bonds. (First reading)

Background: If approved, these bonds would be issued under Chapter 103 of the Kentucky Revised Statutes and would be payable solely from payment to be made by the Kentucky Domestic Violence Association. The City is not pledging its faith or credit or taxing power in any way. Specific language to that effect is contained in the bond ordinance.

Attachments: Ordinance.

Contact Person

Name: Dirk M. Bedarff  
Title: Attorney  
Department: Peck, Shaffer & Williams LLP  
Phone: (859) 431-7000

Greg Mullins  
Vice President - Public Funds  
Fifth Third Bank, Kentucky, Inc.  
(859) 455-5410

Name: John Shasky  
Title: Public Funds Relationship Mgr.

Sherry Currrens, Executive Director  
Mary O'Doherty, Development Admin.

Department: Fifth Third Bank, Kentucky, Inc.  
Phone: (502) 227-1237

Kentucky Domestic Violence Association  
(502) 695-24444

#### 4. ORDERS

- 4.1 An Order Adopting an Interlocal Cooperation Agreement Between the City of Frankfort and Franklin County Fiscal Court Relating to Co-Permitting Under the Clean Water Act and the United States Environmental Protection Agency's National Pollution Discharge Elimination System, Stormwater Phase II Program.

Purpose: The purpose of this item is to consider adopting an Interlocal Cooperation Agreement for the Stormwater Phase II Program with Franklin County Fiscal Court.

Background: On 3/10/03, the City applied for a Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit as required by the Phase II Stormwater Program. The Phase II Stormwater Program is an unfunded mandate required by the Clean Water Act and is administered locally by the Kentucky Division of Water. The purpose of the program is to address storm water quality impacts on the streams within the communities "urbanized" area.

The Interlocal Cooperation Agreement relating to the Phase II Stormwater Program outlines the responsibilities of the City and the co-permittee. The co-permittee status will allow compliance and effective cooperation between the Parties. The Agreement also states that the City is responsible for the stormwater facilities within the City limits whereas the County is responsible for the remaining portion of the urbanized boundary.

An Interlocal Cooperation Agreement with the Kentucky Transportation Cabinet will be presented later, wherein it will be responsible for the facilities within State right of way.

Recommendation: Approval.

Attachments: Order.

##### Contact Person

Name:	Jeff Hackbart	Vickie Sewell
Title:	Director	Director
Department:	Public Works	Franklin County Planning and Zoning
Phone:	(502) 875-8563	(502) 875-8706
E-mail:	jhackbrt@fewpb.com	

#### 5. RESOLUTIONS

None.

#### 6. CONSENT CALENDAR

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Commission member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

- 6.1 Bid Award: Hauling In and Storing of Vehicles Impounded by the City. (Finance Department)

Purpose: The purpose of this item is to consider awarding a two year contract for the hauling in and storage of motor vehicles impounded by the City to Harrod's Diesel Towing & Recovery.

Background: On 9/14/03, the Finance Department advertised for bids for hauling in and storage of motor vehicles impounded by the City. On 10/6/03, bids were received and opened, with Harrod's Diesel Towing & Recovery being the sole bidder. Harrod's has done this work for the City for numerous years and the bid submitted meets the required specifications.

Recommendation: Approval.

Attachment: Bid Tabulation Sheet.  
Bid Proposal Form.

Contact Person

Name:	Angie Disponette	Mark Wilhoite
Title:	Deputy Finance Director/ Purchasing Agent	Major
Department:	Finance	Police
Phone:	(502) 875-8505	(502) 875-8523
E-Mail:	<a href="mailto:adisponette@fewpb.com">adisponette@fewpb.com</a>	<a href="mailto:Mwilhoite@fewpb.com">Mwilhoite@fewpb.com</a>

Name:	Kay Brooks	Ronnie Downey
Title:	Transit Supervisor	Fleet Supervisor
Department:	Public Works	Garage
Phone:	(502) 875-8563	(502) 875-8558
E-Mail:	<a href="mailto:Kbrooks@fewpb.com">Kbrooks@fewpb.com</a>	

6.2 Bid Award for One 2004 Ford F-150 Supercab 4WD Pickup Truck. (Sewer Department)

Purpose: The purpose of this item is to consider the purchase of one 2004 Ford F-150 Supercab 4WD Pickup Truck under state price contract from Countryside Motors.

Background: Funding has been allocated for the purchase of this vehicle which will be assigned to the collection crew. The vehicle will be purchased under Kentucky State Price Contract #C-01012418 with Countryside Motors in Lawrenceburg, Kentucky.

Financial Analysis: This vehicle will be purchased on the state price contract at a total price of \$20,275, with funding from equipment account 300.68.56550.

Recommendation: Approval.

Attachments: None.

Contact Person

Name:	William R. Scalf, Jr.
Title:	Director
Department:	Sewer
Phone:	(502) 875-2448
Email:	<a href="mailto:wscalf@fewpb.com">wscalf@fewpb.com</a>

6.3 Contract with Leak Eliminators, LLC, for Sewer Line Replacement at Boone National Guard Center. (Sewer Department)

Purpose: The purpose of this item is to consider awarding a contract to Leak Eliminators, LLC to perform pipe bursting to replace a 377 lineal foot section of vitrified clay pipe at Boone National Guard Center.

Background: The Sewer Department discovered a section of vitrified clay pipe that is severely cracked and contributing inflow/infiltration into the sanitary sewer collection system on Boone National Guard Center. The National Guard Pump Station No. 1 is a listed Sanitary Sewer Overflow point. This repair will have a positive impact on the overflow occurrences.

Four contractors were asked to submit a proposal for the project, using pipe bursting as the preferred method of repair due to the presence of fiber optic cable. Only two contractors responded, with proposals ranging from \$23,196 to \$35,623, with Leak Eliminators, LLC having provided the lowest price proposal.

Financial Analysis: The Boone National Guard Center has agreed to contribute \$10,000 to the cost of the project, reducing the City's cost to \$13,196. Funds are available in the SSO elimination account 300.68.56550.

Recommendation: Approval.

Attachments: Proposal from Leak Eliminators, LLC.

Contact Person

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Department: Sewer  
Phone: (502) 875-2448  
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6.4 Contract Extension with Linebach Funkhouser, Inc. (LFI) for Health and Safety Training. (Sewer Department)

Purpose: The purpose of this item is to consider a contract extension with Linebach Funkhouser, Inc. to provide health and safety training to Sewer Department personnel and other personnel within the City of Frankfort. It is critical that employees stay in compliance with OSHA regulations.

Background: In October, 2002, the City of Frankfort entered into a contract with Linebach Funkhouser, Inc. to provide the health and safety training for Sewer Department personnel. Employees of other City Departments have been attending the training on a regular basis. LFI has been satisfactorily providing training for the past year.

This contract extension includes a provision for LFI to perform quarterly job site audits to verify compliance with the training provided.

Financial Analysis: Total annual cost is a not to exceed fee of \$25,000, with funding from training account 200.68.55461.

Recommendation: Approval.

Attachments: Proposal.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director  
Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

#### 6.5 Sewer Extension Contract with Montaplast of North America, Inc. (Sewer Department)

**Purpose:** The purpose of this item is to consider a sewer extension contract with Montaplast of North America, Inc. at 2011 Hoover Boulevard in Franklin County, which is a proposed warehouse development with improvements including 1 new manhole, 333 feet of 8-inch SDR35 pipe and will be a privately owned system maintained by Montaplast. Montaplast will be responsible for the ownership, operation and maintenance of the sewer line extension.

**Background:** Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Sewer Department, a contract must be entered into between the developer and the City of Frankfort.

Oliver Dahl, Vice-President of Montaplast of North America, Inc. has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Sewer Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

**Recommendation:** Approval.

**Attachments:** Sewer Extension Contract.

**Contact Person**

**Name:** William R. Scalf, Jr.  
**Title:** Director  
**Department:** Sewer  
**Phone:** (502) 875-2448  
**E-mail:** [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

#### 6.6 Authorization to File FEMA Grant Application for 2003-2004 Fire Prevention & Safety Grant. (Fire Department)

**Purpose:** The purpose of this item is to consider authorizing the Fire Department to apply for FEMA grant funds to be used for training and public education.

**Background:** This is the third year Congress has appropriated funds for eligible fire departments. Funding is available to departments of this city's size on a 10% matching basis and the grants are very competitive. Grant applications are only accepted from October 16 through November 14, 2003. These include equipment, materials, program funds, educational needs, etc.

**Financial Analysis:** Up to \$7,000 would be required from the City as a 10% match, with funding from Fire account 100.42.55440.

**Recommendation:** Approval.

**Attachments:** None.

**Contact Person**

**Name:** Wallace Possich  
**Title:** Fire Chief  
**Department:** Fire  
**Phone:** (502) 875-8511  
**E-Mail:** [wpossich@fewpb.com](mailto:wpossich@fewpb.com)

6.7 Agreement with Kentucky Baptist Convention for Kentucky Changers Project. (Planning and Building Codes)

Purpose: The purpose of this item is to consider entering into an agreement with Kentucky Baptist Convention for participation in Kentucky Changers Project for making minor improvements to approximately ten (10) low to moderately low single-family homes (non-rental) within the City limits.

Background: This is an ongoing community project in which the City assists in order to improve the quality of life for those within the City limits of Frankfort. The project will be conducted from 7/3/04 to 7/10/04. Kentucky Baptist Convention volunteers will supply the labor for exterior maintenance repair projects, with City to provide materials and supplies up to \$15,000.

In 2002, the City and Kentucky Changers were able to assist approximately ten (10) homes at the cost to the City of approximately \$11,640. The City was not eligible to partake into this program in 2003, but may in 2004 and 2005.

Financial Analysis: Funding in the amount of \$15,000 is available from the Frankfort Housing Corporation Account (Old Urban Renewal Program) - #540-00-51100.

Recommendation: Approval.

Attachments: Kentucky Changers Project Agreement.

Contact Person

Name: Gary Muller  
Title: Director  
Department: Planning and Building Codes  
Phone: (502) 875-8513  
E-mail: [Gmuller@fewpb.com](mailto:Gmuller@fewpb.com)

6.8 Continuing Services Agreement for Drainage Review with HMB Professional Engineers, Inc. (HMB). (Public Works)

Purpose: The purpose of this item is to consider entering into a Continuing Services Agreement with HMB Professional Engineers, Inc. for major development and drainage plan review.

Background: With the implementation of new stormwater standards and subdivision regulations, HMB has submitted a proposal, at the City's request, for assisting City staff in reviewing developer's drainage calculations, site plans, specifications, and permits for larger scale developments, with the City staff continuing the review of all other site plans. In addition, HMB will be available to attend various meetings with the developer and Frankfort-Franklin County Planning Commission upon request.

Financial Analysis: The not-to-exceed fee for this Agreement is \$8,000. Each development plan shall be invoiced on an hourly basis using the 2003 HMB Standard Billing Rates. Funding is allocated in Capital Improvement Account 100.90.53295 for this professional service.

Recommendation: Approval.

Attachments: Continuing Services Agreement.

Contact Person

Name: Jeff Hackbart  
 Title: Director  
 Department: Public Works  
 Phone: (502) 875-8563  
 E-mail: jhackbrt@fewpb.com

#### 6.9 Personnel.

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Appointment	John F. Crum, III	Fire	12/2/03	Firefighter
Appointment	William B. Hornbeck	Public Works Sanitation	11/12/03	Equipment Operator
Appointment	Robert L. Peterson	Sewer	11/12/03	Staff Engineer
Retirement	Deborah Watson	Police	10/31/03	Office Assistant
Resignation	Stanley Gay	Planning and Building Codes	11/6/03	Code Enforcement Inspector
*Extend Probationary Period for an Additional Six Months	James W. Ebert	Police	From 11/12/03 to 5/12/04	Patrol Officer

\* Officer Ebert was called to active duty by Marine Reserves effective 1/14/03 and returned to duty on 10/7/03 (266 days). Therefore, Officer Ebert has not been able to complete the twelve (12) month probationary period necessary before confirmation.

Attachments: None.

#### Contact Person

Name: John Morrow  
 Title: Personnel Director  
 Department: City Manager's Office  
 Phone: (502) 875-8500  
 E-Mail: Jmorrow@fewpb.com

Ted W. Evans  
 Chief of Police  
 Police  
 (502) 875-8523  
 Tevans@fewpb.com

### 7. BOARD APPOINTMENTS

7.1 Board of Adjustment  
 7.2 Holmes Street Task Force

### 8. OLD BUSINESS

8.1 Continuing Engineering Services Agreement with Quest Engineers to provide Professional Engineering Services associated with Sanitary Sewer System Evaluations. (Sewer Department)

Purpose: The purpose of this item is to consider an increase in the contract amount on the Continuing Engineering Services Agreement with Quest Engineers to evaluate manholes in Sanitary Sewer Basin 4 and collect GPS data for inclusion into the GIS database.

Background: On 03/23/00, the City of Frankfort entered into a Continuing Services Agreement



with Quest Engineers to provide consulting engineering services associated with the evaluation of the sanitary sewers and wet weather SSO's.

The Sewer Department has completed the evaluation of Sanitary Sewer Basins 1 and 2 and is currently performing smoke testing in Basin 3. The Department needs to begin evaluation in Basin 4 to meet the schedule submitted to the Kentucky Division of Water (KDOW). During the evaluation process data collected will be gathered in a format compatible with the Geographic Information System (GIS) currently being developed by the Sewer Department. One of the requirements of the Sanitary Sewer Overflow Plan is to develop a comprehensive mapping system and the GIS development will meet the needs of this requirement.

The evaluation of the collection system will allow the Sewer Department to determine system improvements that must be made to reduce the inflow/infiltration into the collection system. Basin 4 currently has 4 documented sanitary sewer overflows (SSO's).

This proposal, in the amount of \$200,000, will increase the contract amount to \$926,900.

Financial Analysis: Funds are available in account 300.68.56550.

Recommendation: Approval.

Attachments: None.

Contact Person

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Title: Director  
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8.2 Contract Extension with FMSM Engineers (Fuller, Mossbarger, Scott & May) for Permitting, Preliminary Design, and Geotechnical Exploration associated with the Ewing Street Force Main Break in Benson Creek. (Sewer Department)

Purpose: The purpose of this item is to consider awarding a contract extension to provide continuing engineering services associated with preliminary design, permitting services, and geotechnical exploration of a force main replacement to the Benson Creek force main break.

Background: On 10/20/03, the Board of Commissioners approved a contract with FMSM Engineers for \$33,050 for underwater assessment services of the broken force main. This is the next phase of evaluating alternatives, designing a replacement crossing, and obtaining appropriate permits. This proposal does not include services associated with bidding, construction, or post construction activities.

Financial Analysis: Total cost will be a not-to-exceed contract of \$40,244, with funding from Sewer account 200.68.53265.

Recommendation: Approval.

Attachments: Proposal.

Contact Person

Name: William R. Scalf, Jr.  
Title: Director

Department: Sewer  
Phone: (502) 875-2448  
E-mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

**8.3 Approval of Ranking of the Top Three Firms in regards to the Request for Qualifications (RFQ) for Architectural Services for Police, 911 and EOC Facilities and authorize the Mayor to Execute an Architectural Services Contract. (City Manager's Office)**

Purpose: The purpose of this item is to consider the top firm to provide architectural services related to Police/911/EOC/Fire safety building or buildings.

Background: During the budget review process in May, 2003, the Board of Commissioners requested that an RFQ be prepared for architectural services concerning either one or multiple buildings for the Police, 911 Communications Center, and EOC facilities.

On 8/18/03, the Board approved the draft RFQ and authorization for advertising the RFQ seeking architectural services in regards to police/911/EOC.

On 10/6/03, the top ranked three firms made presentations to the Board. The firms were asked how the cost of its study would be effected if the Fire Administration building were included. Each of the three firms indicated that this would not change their quoted price.

Based on the presentations and after review of the original ranking sheets, the ranking of the top three firms by the review team, based on the attached weighed point system, is as follows: Architects Design Group (482.50 pts), Brandstetter Carroll (475 pts), and CMW (462.50 pts).

The Board may agree with the review team's recommendation or may amend the weighted point system or create their own as deemed necessary.

Financial Analysis: The fee for these services will be at a not-to-exceed fee of \$22,000 with funding from Reserve for Contingency, 95.53295. This does not include the architectural services related to design and engineering which is based on a percentage of the overall construction costs.

Recommendation: Approval.

Attachments: Evaluation for Request for Qualifications.  
Summary of ranking from committee dated 10-31-03.

**Contact Person**

Name: Gary Muller  
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Department: City Manager  
Phone: (502) 875-8513  
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**9. NEW BUSINESS**

None.

**10. CITIZEN COMMENTS**

**11. COMMISSIONER COMMENTS**

**12. ADJOURNMENT** Closed Session, KRS 61.810 (1), (f), personnel

